

DAS:MC:MMS
F.#2013R00281

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

KENNETH NOWLING,

Defendant.

I N F O R M A T I O N

Cr. No. 13 CR 182 (NGG)
(T. 18, U.S.C., §§
201(c)(1)(A), 371
and 3551 et seq.)

- - - - -X

THE UNITED STATES ATTORNEY CHARGES:

INTRODUCTION

At all times relevant to this Information, unless
otherwise indicated:

I. Background

1. The Army National Guard ("National Guard") used federal funds for marketing and advertising to recruit new soldiers. As part of these recruitment efforts, the National Guard provided sponsorship monies to businesses to promote the National Guard at various events.

II. The Defendant and His
Co-Conspirators, John Does #1 and #2

2. In approximately 2005, the defendant KENNETH NOWLING, a Missouri resident, became a partner in the American Drag Racing League ("ADRL"), an organization that conducted drag racing events. In approximately 2010, the defendant became a

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partner in Fight Me MMA ("Fight Me"), a company that promoted and produced mixed martial arts and live sporting events.

3. John Doe #1, an individual whose identity is known to the United States Attorney, was an officer in the National Guard, and handled marketing and advertising for the National Guard. In that capacity, John Doe #1 had the authority to reject sponsorships proposals submitted to the National Guard and had substantial influence in the awarding of sponsorship agreements by the National Guard to private businesses.

4. John Doe #2, an individual whose identity is known to the United States Attorney, was the brother of John Doe #1. John Doe #2 and John Doe #1 lived together in the Washington D.C. area. John Doe #2 suffered financial difficulties and received financial support from John Doe #1.

III. The Fraudulent Scheme

5. In or about and between 2007 and 2012, at the urging of John Doe #1, the defendant KENNETH NOWLING hired John Doe #2 as a "consultant" to help NOWLING induce the National Guard to award sponsorship agreements to the ADRL and Fight Me. NOWLING agreed to pay John Doe #2 a percentage of any sponsorship monies that the National Guard awarded the ADRL and Fight Me. By employing John Doe #2, NOWLING reduced John Doe #1's burden of supporting John Doe #2.

6. In or about and between 2007 and 2012, John Doe #1, in his official capacity, championed ADRL and Fight Me proposals to his superiors at the National Guard. John Doe #1 also guided and assisted the defendant KENNETH NOWLING and John Doe #2 in crafting proposals for the ADRL and Fight Me projects to ensure that the proposals would be approved by the National Guard.

7. In an effort to conceal the fact that he was John Doe #1's brother, John Doe #2 utilized the false identity "John Visney" and the email address "John@fightememma.com" in his communications with National Guard representatives. John Doe #1 never disclosed to his National Guard superiors that John Doe #2 had a financial interest in these projects or that John Doe #1 assisted NOWLING and John Doe #2 in drafting the proposals.

8. In or about and between 2007 and 2012, the National Guard awarded approximately \$3.3 million in sponsorship funds to the ADRL and approximately \$1.8 million in sponsorship funds to Fight Me. During this time period, unbeknownst to the National Guard, John Doe #2 received at least \$470,000 of these funds ostensibly for his work as a "consultant."

COUNT ONE

(Conspiracy to Defraud the United States)

9. The allegations contained in paragraphs 1 through 8 are realleged and incorporated as though fully set forth in this paragraph.

10. In or about and between 2007 and 2012, both dates being approximate and inclusive, within the Eastern District of Missouri and elsewhere, the defendant KENNETH NOWLING knowingly and intentionally conspired with John Doe #1, John Doe #2 and others to defraud the United States and an agency thereof, to wit: the National Guard, by impeding, impairing and obstructing the National Guard's contracting process with respect to reviewing sponsorship proposals and awarding sponsorship agreements to private businesses.

11. In furtherance of the conspiracy and to effect its objects, within the Eastern District of Missouri and elsewhere, the defendant KENNETH NOWLING, together with John Doe #1, John Doe #2 and others, committed and caused to be committed, among others, the following:

OVERT ACTS

a. In or about 2011, John Doe #1, in his official capacity, championed a Fight Me proposal to his superiors at the National Guard but never disclosed that John Doe #2 had a financial interest in this project.

b. In or about 2011, NOWLING caused the creation of the email address "John@Fightmemma.com" for John Doe #2, so that NOWLING and John Doe #2 could conceal John Doe #2's identity and his relationship with John Doe #1 from National Guard representatives.

c. In or about January 2012, during a telephone call between NOWLING, John Doe #1 and National Guard representatives concerning the Fight Me sponsorship agreement, John Doe #2 falsely identified himself as "John Visney" to conceal his identity from National Guard representatives.

(Title 18, United States Code, Sections 371 and 3551 et seq.)

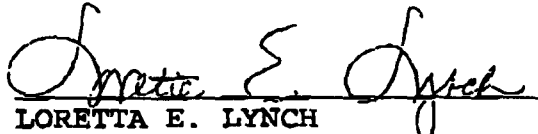
COUNT TWO
(Payment of Unlawful Gratuities)

12. The allegations contained in paragraphs 1 through 8 are realleged and incorporated as though fully set forth in this paragraph.

13. In or about and between 2007 and 2012, both dates being approximate and inclusive, within the Eastern District of Missouri and elsewhere, the defendant KENNETH NOWLING did knowingly and intentionally, and directly and indirectly, give, offer, and promise a thing of value to John Doe #1, a public official, otherwise than as provided by law for the proper discharge of official duties, for and because of official acts performed and to be performed by John Doe #1, to wit: the

defendant KENNETH NOWLING gave a paid "consulting job" to John Doe #2 for and because of John Doe #1 using his influence within the National Guard to steer National Guard sponsorship agreements to Fight Me and ADRL.

(Title 18, United States Code, Sections 201(c)(1)(A) and 3551 et seq.)


LORETTA E. LYNCH
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT of NEW YORK

Criminal Division

THE UNITED STATES OF AMERICA

KENNETH NOWLING,

Defendant.

I N F O R M A T I O N

Cr. No. _____
(T. 18, U.S.C., §§ 201(c)(1(A)), 371 and
3551 et seq.)

A true bill.

Foreman

Filed in open court this _____ day,

of _____ A.D. 20 _____

Clerk

Bail, \$ _____

AUSA Martin E. Coffey, (718) 254-6157